

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
TERRE HAUTE DIVISION

MARK M. JERVIS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 2:20-cv-00298-JMS-MJD
	)	
WEXFORD HEALTH SOURCE, INC., et al.	)	
	)	
Defendants.	)	

**ENTRY SCREENING COMPLAINT AND DIRECTING ISSUANCE OF PROCESS**

Mark Jervis is an inmate at Wabash Valley Correctional Facility (WVCF). Because Mr. Jervis is a "prisoner," the Court is obligated to screen his complaint, dkt. 1. 28 U.S.C. § 1915A(a), (c).

**I. Screening Standard**

Pursuant to 28 U.S.C. § 1915A(b), the Court must dismiss the complaint if it is frivolous or malicious, fails to state a claim for relief, or seeks monetary relief against a defendant who is immune from such relief. In determining whether the complaint states a claim, the Court applies the same standard as when addressing a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). *See Cesal v. Moats*, 851 F.3d 714, 720 (7th Cir. 2017). To survive dismissal,

[the] complaint must contain sufficient factual matter, accepted as true, to state a claim for relief that is plausible on its face. A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.

*Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). Mr. Jervis's pro se pleading is construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers. *Perez v. Fenoglio*, 792 F.3d 768, 776 (7th Cir. 2015).

## **II. The Complaint**

Mr. Jervis asserts claims for damages and injunctive relief against two defendants: Wexford Health Sources, Inc., which provides medical care to WVCF inmates; and Dr. Samuel Byrd, whom Wexford employs to treat WVCF inmates. These claims are based on the following allegations.

Mr. Jervis is 74 years old. He suffers from congestive heart failure and atrial fibrillation, and he has a pacemaker.

In approximately June 2019, Mr. Jervis began experiencing sharp chest pains. He requested an appointment with Dr. Byrd several times, but he received no response. Finally, on October 11, 2019, a nurse met with him to discuss his medications. The nurse later met with Dr. Byrd, who directed that Mr. Jervis stop taking his prescribed medications immediately because they could cause him to suffer serious harm or even die.

Afterward, Dr. Byrd prescribed a new regimen of medications for Mr. Jervis. These new medications caused Mr. Jervis to experience severe pain. While on the new medications, he suffered multiple heart attacks and a stroke. Dr. Byrd refused to treat Mr. Jervis during this time or send him to the hospital.

In December 2019, the medical staff did not make the proper arrangements for Mr. Jervis to receive his daily medications. He requested assistance from the medical staff but received no response.

On April 24, 2020, Dr. Byrd told Mr. Jervis that he would not provide any treatment except the medications he had already prescribed. Some of those medications had been discontinued because they were harmful, and Dr. Byrd did not replace them with other medications.

Before and after the October 11 incident, Mr. Jervis filed grievances regarding the medical treatment he received (or did not receive) from Dr. Byrd. Mr. Jervis alleges that Dr. Byrd denied him necessary medical care and prescribed him dangerous medications in retaliation for filing those grievances.

Mr. Jervis alleges that Dr. Byrd's conduct was a product of Wexford policies or practices that encourage its employees to deny patients medications and delay treatment to save money and to retaliate against patients who file grievances.

### **III. Discussion of Claims**

This action **shall proceed** with First and Eighth Amendment claims against Dr. Byrd and Wexford pursuant to 42 U.S.C. § 1983.

These are the only claims the Court identified in the complaint. If Mr. Jervis believes he asserted additional claims not discussed by the Court, he shall have **through September 18, 2020**, to notify the Court.

### **IV. Conclusion and Issuance of Process**

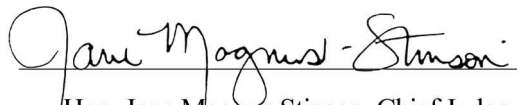
The Court recognizes Wexford to be properly named as Wexford of Indiana, LLC. The **clerk is directed** to change Wexford's name on the docket from Wexford Health Sources, Inc., to Wexford of Indiana, LLC.

The **clerk is directed** pursuant to Federal Rule of Civil Procedure 4(c)(3) to issue process to the defendants, (1) Dr. Samuel Byrd and (2) Wexford of Indiana, LLC, in the manner specified by Rule 4(d). Process shall consist of the complaint (dkt. [1]), applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Entry.

The **clerk is directed** to serve Wexford electronically. Dr. Byrd is identified as a Wexford employee. In the event he does not waive service, **Wexford is ORDERED** to provide his full name and last known address if it has such information. This information may be provided to the Court informally or may be filed *ex parte*.

**IT IS SO ORDERED.**

Date: 8/25/2020

  
Hon. Jane Magnus-Stinson, Chief Judge  
United States District Court  
Southern District of Indiana

Distribution:

MARK M. JERVIS  
952861  
WABASH VALLEY - CF  
WABASH VALLEY CORRECTIONAL FACILITY - Inmate Mail/Parcels  
Electronic Service Participant – Court Only

Dr. Samuel Byrd  
Medical Professional  
Wabash Valley Correctional Facility  
6908 S. Old U.S. Hwy. 41  
P.O. Box 500  
Carlisle, IN 47838

Electronic service to Wexford of Indiana, LLC